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March 21, 2008

Via Facsimile

Hon. Colleen McMahon, U.S.D.J.  
United States District Court, Southern District of New York  
500 Pearl St., Room 640  
New York, NY 10007

Re: Scantek Medical, Inc. v. Angela Chen  
Sabella and Accordant Holdings, LLC.  
Index No. 08 CV 00453 (CM) (the  
"Lawsuit")

Dear Judge McMahon:

We are the attorneys for the Plaintiff Scantek Medical, Inc. ("Plaintiff") with respect to the Lawsuit. We hereby request your Honor's permission to extend the deadline for discovery pursuant to Federal Rule of Civil Procedure Rule 26(a), which pursuant to the Civil Case Management Plan (the "Plan") is currently due by April 1, 2008. We base our request upon the following.

The Defendants have filed a Motion to Dismiss all of the claims set forth in Plaintiff's Complaint. In addition, subsequent to the date of the Plan, Defendants have served: (1) upon Plaintiff Counterclaims against the Plaintiff; and (2) upon other parties a Third Party Complaint. We will shortly make a Motion to Dismiss the Counterclaims and the Third Party Complaint.

There is no reason to exchange discovery now because, based upon the foregoing, it is unknown at this time which claims will survive the pleading stage of the Lawsuit, because some or all of the claims set forth in the Complaint, Counterclaims, and Third Party Complaint may be dismissed.

Moreover, Defendants have not served an Answer. In view of that fact that, your Honor's rules provide that "[p]arties must exchange the discovery required under Fed.R.Civ.P. 26(a) within thirty (30) days after service of the answer on the last plaintiff to be served" (emphasis added), the date to exchange discovery should be postponed until the Pleading stage has been completed, which would include the resolution of the aforementioned motions.

This rule is  
in operation  
if motion is filed

*Colleen McMahon*  
3/21/08

Notwithstanding the foregoing, our request for an extension of time to comply with the automatic discovery rules was denied by Defendants' counsel. This was our only request to Defendants' counsel for an extension of time for the discovery deadline.

We respectfully request an adjournment of the discovery required pursuant to Federal Rule of Civil Procedure, currently due pursuant to the Plan on Monday, April 1, 2008 until a date to be set by your Honor after the motions hereinafter set forth are determined by this Court.

Respectfully submitted,



Alan P. Fraade

cc: Kenneth Sussmane, Esq.

APF/gtk